

# **MS Word Export To Multiple PDF Files Software - Please purchase license.PLANNING AND DEVELOPMENT SERVICES REPORT**

*As approved by the Zoning Administrator 4-5-01*

**DATE:** April 5, 2001

**TO:** Orange County Zoning Administrator

**FROM:** P&DSD/Current Planning Services Division

**SUBJECT:** Public Hearing of Planning Application PA01-0004 for Site Development Permit

**PROPOSAL:** Planning Application PA01-0004 is a Site Development Permit for guesthouses to be located on specific lots within Tentative Tracts 15908 and 15909. An off-street parking modification is requested to utilize on-street parking to meet the requirements of guesthouses per Zoning Code Section 7-9-146.5. A model home complex is also proposed on lots 1-3 and lot 9 of Tract 15908. In addition, a temporary sales office/trailer is also requested for use during construction of the model homes.

**LOCATION:** Tentative Tract 15908 and 15909, Planning Area 2, Ladera Ranch Planned Community, Fifth Supervisorial District

**APPLICANT:** Centex Homes, Applicant

**SYNOPSIS:** Site Planning Section recommends Zoning Administrator approval subject to the attached findings and conditions.

**STAFF PLANNER/CONTACT:** Chad Brown, Project Manager  
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## **BACKGROUND:**

Planning Application PA01-0004 comprises a Site Development Permit for up to 22 “guesthouse” structures within Tract 15908 and up to 21 “guesthouse” structures within Tract 15909 to be constructed on specified lots within the respective tracts designated for single family detached residential development within Planning Area 2 of Ladera Planned Community. The application also includes a request for the establishment of a temporary model sales complex and the placement of an interim temporary sales trailer/office. The guesthouses occur with model Plans 2 and 3 of the proposed single family residential development. Proposed Tentative Tracts 15908 and 15909 are located within the interior portion of Planning Area 2 of the Ladera Ranch Planned Community, south of Crown Valley Parkway and east of Antonio Parkway.

The proposed “guesthouse” structures are proposed in two forms, the Plan 2 model proposes to offer an optional flex space as either a non-conforming single car garage or flex space (i.e. bedroom, study etc.). Plan 3 proposes to offer potential buyers the option of having the floor space above a non-conforming garage/flex space as an option for either a bedroom or a studio. Both of these optional floor plans are accessed from the exterior of the primary dwelling. Thus, the current Orange County Zoning Code defines this flex space as a “guesthouse” and requires the approval of a Site Development Permit by the Ladera Planned Community Text. In addition, a Site Development Permit is required to establish a model home sales complex for the first sale of homes. This application is intended to serve as the review for both of these proposals.

#### **SITE ZONING AND SURROUNDING LAND USE:**

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
Project Site	Vacant	P.A. 2-Residential
North	Residential SF	P.A. 2-Residential
South	Vacant	P.A. 3-Residential
East	Residential SF	P.A. 2-Residential
West	Residential SF	P.A. 2-Residential

#### **CEQA COMPLIANCE:**

The proposed project is covered by Final EIR No. 555, previously certified on October 17, 1995, and Addendum PA970174, previously approved on April 7, 1998. Prior to project approval, the decision-maker must assert that together, they are adequate to satisfy the requirements of CEQA for the proposed project.

#### **PUBLIC NOTICES AND COMMENTS RECEIVED:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the project proposal was distributed for review and comment to eight County sections and the Orange County Fire Authority. Their comments and/or recommended conditions of approval are included within Appendix A of this report or have been addressed through plan design.

#### **REVIEW AND ANALYSIS:**

The applicant proposes the construction of a total of 71 single family detached residences within two tracts, Tract 15908 and 15909, within Planning Area 2 of the Ladera Planned Community. Both tracts will offer the same three floor plans distributed throughout the building sites, model Plans 1 through 3, with each plan offering various floor plan options. Plans 2 and 3 each provide a detached garage structure. The detached garage for the Plan 2 is a single story structure that may be built as either a non-conforming single car garage space or as “flex” space that could be constructed as a study, bedroom, or similar accessory structure. The Plan 2 provides the required off-street parking for the primary residence within an attached two-car garage. The Plan 3 also provides a required two-car garage for the primary residence. The Plan 3 proposes a detached two story structure that includes a non-conforming garage space/flex space on the first floor and an optional 5<sup>th</sup> bedroom area or study on the second story. Access to both the Plan 2 “flex” space and the Plan 3 optional areas provide access independent of the primary dwelling.

Therefore, the optional floor space constitutes a guesthouse by definition of the Orange County Zoning Code. The flex space in the Plan 2 and the optional bedroom space within the Plan 3 are approximately 200 square feet each. The proposed optional floor space does not provide for separate cooking facilities and thus is considered a “guesthouse” and not a true second residential unit. Plan 2 and 3 model plans are proposed for 43 of the 71 building sites within both Tracts 15908 and 15909. Guesthouses are combined with second residential units in Section 7-9-146.5 of the Orange County Zoning Code, which requires a Use Permit by the Zoning Administrator. Section III.D.3 of the Ladera Planned Community text allows second residential units subject to site development permit approval. Therefore, this application is a Site Development Permit to the Zoning Administrator for the guesthouse optional floor plans.

Section 7-9-146.5 of the Zoning Code also requires that an additional uncovered parking stall be required on any lot with a guesthouse or second residential unit. Although Section III.D.3 of the Ladera Ranch Planned Community Text allows second residential units subject to site development permit, no discussion is made of parking requirements for the second unit. Therefore, the issue reverts back to the Zoning Code, which requires the additional uncovered space. Most of the building sites provide adequate space on the site to provide for the additional uncovered parking space. However, in all cases at least one on-street parking stall is located within 200 feet of each unit containing a guesthouse. As the detached structures are not proposed as second residential units, on-street parking should be sufficient to meet the parking demands of the additional detached structures. Per Section III.H.1.f (6) of the Ladera Ranch Planned Community Text, all of the proposed “guesthouse” structures conform to the main building setback regulations.

A Condition of Approval requires that a deed restriction be placed on dwellings with the flex space option floor plans with guesthouses proposed. The deed restriction would restrict the use of the detached structures to members of the family occupying the main house and their non-paying guests. Such a Condition would alleviate a potential parking deficiency by not allowing two full time residential units on a single lot. Staff has included the following findings in Appendix A.

- Applicable off-street parking requirements are inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property
- The proposed off-street parking facilities comply with the intent of these regulations as specified by section 7-9-145.1

As an additional part of this application, the applicant requests the establishment of a model sales complex for the sale of residential dwelling units proposed for approval under Tentative Tract 15908 and 15909. The model complex is located on Lewiston Court, south of Crown Valley Parkway. The models occupy lots 1, 2 and 3 of Tract 15908 with the parking lot on lot 9. The project includes; temporary parking for 11 cars (including a handicapped parking stall), a sales office located in the courtyard area of plan 1 on lot 3, trap fencing, pennant flags (a maximum of ten is permitted) and model sales signage. The model home sales office will serve for the sales of homes within Tracts 15908 and 15909.

During construction of the model homes, the applicant requests approval to place a temporary sales trailer on lot 33 of Tract 15908. This temporary facility is directly across Lewiston Court

from the actual model home complex discussed above and will be removed upon the opening of the aforementioned model home complex. The sales trailer location also will provide 10 temporary parking spaces to serve the temporary sales trailer.

In summary, the proposed application is similar to a series of other single family detached dwellings constructed within Planning Area 2 that also have detached guesthouses. However, those applications were more resembling second residential units that could easily be adapted for an independent living unit. The guesthouses proposed as a part of this application are truly an extension of the primary dwelling. They appear to be of design that will offer independent living to family members of the dwelling, such as teenagers, or serve as hobby areas. However, the current Zoning Code requires that the areas that have independent access be treated as guesthouses for the purpose of development review. Therefore, Site Planning staff is recommending Zoning Administrator approval of Planning Application PA 01-0004, subject to the attached Findings and Conditions, to allow the proposed guesthouse structures within tracts 15908 and 15909.

### **RECOMMENDATION**

Site Planning and Consistency Management Section recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA01-0004 subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

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Chad Brown, Chief  
CPSD/Site Planning Section

### **APPEAL PROCEDURE**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

Appendices:

- A. Recommended Findings
- B. Recommended Conditions of Approval

Exhibits: (Zoning Administrator package only)

1. Applicant's Letter of Explanation
2. Site Plans